

REMARKS

This Amendment is submitted in response to the official action dated June 1, 2007. Claims 1, 2, 4-20, 22-38, and 40-63 were pending in the application. In the official action, claims 41-63 were withdrawn from consideration, and claims 1, 2, 4-20, 22-38, and 40 were rejected. In this Amendment, claims 1, 19, and 37 have been amended. Claims 1, 2, 4-20, 22-38, and 40 thus remain for consideration.

Applicant submits that claims 1, 2, 4-20, 22-38, and 40 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Claim Objection

Claim 37 was objected to because of an informality.

Applicant has amended claim 37. Applicant submits that claim 37 is now in compliance with all formality requirements, and therefore requests that the objection to claim 37 be withdrawn.

\$103 Rejections

Claims 1, 2, 4-20, 22-38, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawara et al. (U.S. Patent 6,278,836), and further in view of Kirovski et al. (U.S. Patent 6,952,774).

Applicant submits that the independent claims (claims 1, 19, and 37) are patentable over Kawara and Kirovski.

Applicant's invention as recited in the independent claims is directed toward an information processing device, an information processing method, and a storage medium storing a program for implementing the information processing method. Each of the claims recites "detecting a survival rate of digital watermark information associated with [] contents," "controlling the output of said contents on the basis of said survival rate,"

and "[controlling] the output of said contents on the basis of copy control information when said survival rate is higher than a predetermined threshold, and [controlling] the output of said contents on the basis of usage information when said survival rate is lower than said predetermined threshold." The claims further recite that "both said copy control information and said usage information [are] included in a watermark distributed with said contents." Supporting disclosure can be found in the specification at, for example, page 7, lines 1-6; and Fig. 4.

Neither Kawara nor Kirovski discloses controlling the output of contents on the basis of a survival rate of watermark information such that the output is controlled on the basis of copy control information when said survival rate is higher than a predetermined threshold and is controlled on the basis of usage information when the survival rate is lower than the predetermined threshold, wherein both the copy control information and the usage information are included in a watermark distributed with the contents.

In particular, Applicant notes that the Examiner admits that "Kirovski teaches performing different controls based on different watermarks" (emphasis supplied) (official action page 4, lines 2 and 3). By contrast, Applicant's claims recite performing different controls based on respective information contained in a single watermark. Accordingly, Applicant believes that claims 1, 19, and 37 are patentable over Kawara and Kirovski - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2, 4-18, 20, 22-36, 38, and 40 are patentable over Kawara and Kirovski for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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